

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD J. ZALAC,

Plaintiff,

v.

CTX MORTGAGE CORPORATION, a
Delaware Corporation; THE FEDERAL
NATIONAL MORTGAGE ASSOCIATION, a
United States Government Sponsored
Enterprise; JPMORGAN CHASE, a National
Association, d/b/a CHASE HOME FINANCE,
LLC., NORTHWEST TRUSTEE SERVICES,
INC., a Washington Corporation,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
Delaware Corporation, and DOE
DEFENDANTS 1-10, Defendants,

Defendants.

No. 2:12-cv-01474

DEFENDANT CTX MORTGAGE
COMPANY, LLC'S REPLY IN SUPPORT
OF UNOPPOSED MOTION TO DISMISS

NOTE ON MOTION CALENDAR:

Friday, October 12, 2012

Defendant CTX Mortgage Company, LLC ("CTX") filed a motion to dismiss on September 20, 2012 (Docket No. 9). As explained in the motion, CTX should be dismissed under Fed. R. Civ. P. 12(b)(6) because the Amended Complaint failed to allege any conduct on the part of CTX to support the three causes of action. Moreover, CTX has not had an interest in the loan or the property since August 2005, and any claim against CTX is time barred by the applicable statutes of limitation.

DEFENDANT CTX MORTGAGE COMPANY, LLC'S REPLY IN
SUPPORT OF UNOPPOSED MOTION TO DISMISS - 1
Case No. 2:12-cv-01474

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1 Because of the Columbus Day holiday, Plaintiff's opposition brief was due Tuesday,
2 October 9, 2012. *See* Fed. R. Civ. P. 6(a)(1) and 6(a)(3)(A); CR 7(d)(3). Plaintiff did not
3 oppose the motion. Plaintiff's failure to oppose CTX's motion "may be considered by the court
4 as an admission that the motion has merit." CR 7(b)(2).

5 For the reasons set forth in CTX's motion to dismiss, which Plaintiff did not oppose, the
6 Court should dismiss CTX from this case, with prejudice and without leave to amend.

7 Dated this 12th day of October, 2012.

8 FOSTER PEPPER PLLC

9 /s/ Neil A. Dial

10 Tim J. Filer, WSBA #16285

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19 CTX Mortgage Company, LLC

CERTIFICATE OF SERVICE

As one of the attorneys of record for CTX Mortgage Company, LLC, I hereby certify that I electronically filed with the Clerk of the Court the foregoing pleading or document, and that the following parties or their counsel of record are registered as ECF Filers and will be served by the CM/ECF system as of today's date:

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DATED this 12th day of October, 2012 at Seattle, Washington.

/s/ Neil A. Dial

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